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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,649	09/12/2000	Jean-Francois Le Pennec	FR9-1998-0072-US1	6968

7590

02/26/2004

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EXAMINER

FLYNN, KIMBERLY D

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 02/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/659,649

Applicant(s)

LE PENNEC ET AL.

Examiner

Kimberly D Flynn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Applicant's amendment and response to restriction requirement filed December 2, 2003. Claims 5 and 7 are presented for further consideration.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logue et al. (U. S. Patent No. 5,935,207, hereinafter Logue) in view of Katz et al. (U.S. Patent No. 5,926,624, hereinafter Katz).

In considering claims 5 and 7, Logue discloses a server comprising means for carrying out the method for providing a file comprising the following steps:

receiving a request for a file (col. 5, lines 43),

identifying the file as being stored in a distant server (col. 5, lines 43-49);

requesting the distant server to send the file and forwarding the file (col. 5, lines 50-51);

While Logue discloses saving detailed information about a file (col. 5, lines 56-60, and 65-67), Logue does not explicitly disclose wherein the information includes information identifying where the file has been forwarded. Nonetheless, it would have been obvious to a person having ordinary skill in the art to include information as to where the file was forwarded

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in order keep track of the users accessing certain files. Therefore, the aforementioned limitations would have been obvious modifications to the system as disclosed by Logue.

While Logue discloses the invention substantially as claimed, Logue does not disclose the step of "identifying the file as being used". Nonetheless, identifying the file as being used or file locking is well known in the art as evidenced by Katz. In similar art, Katz discloses a digital information library and delivery system that includes a library server for receiving and responding to client computer system requests for access of a digital information file. The library server also collects and stores usage data, which includes usage statistics on access history of the information files (col. 8, lines 12-19, and lines 45-48).

Thus, given the teachings of Katz, a person having ordinary skill in the art would have readily recognized the uses and advantages of modifying the system as disclosed by Logue to include the library server taught by Katz, in order to provide the administrators and users with detailed information about the interaction of requestors and requested content. It would also provide a log or record of access data for future use. Therefore, the library server as taught by Katz would have been an obvious modification the system as disclosed by Logue.

Response to Arguments

4. Applicant's arguments filed December 2, 2003 have been fully considered but they are not persuasive.

Applicant contends that Logue does not describe any information regarding a forwarded document or identifying that a file has been forwarded. As stated above, while Logue discloses saving detailed information about a file (col. 5, lines 56-60, and 65-67), Logue does not

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explicitly disclose wherein the information includes information identifying where the file has been forwarded. Nonetheless, it would have been obvious to a person having ordinary skill in the art to include information as to where the file was forwarded in order keep track of the users accessing certain files. Therefore, the aforementioned limitations would have been obvious modifications to the system as disclosed by Logue.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly D Flynn whose telephone number is 703-308-7609. The examiner can normally be reached on M-F 8:30 - 5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 703-305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703-746-72388, for After Final communications

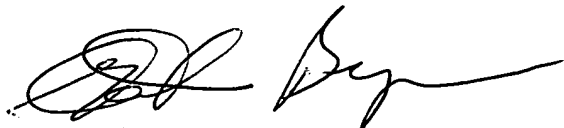
(703) 746-7239, for Official communications

(703) 746-7240, for Non-Official/Drafts.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900.

Kimberly D Flynn
Examiner
Art Unit 2153

KF
February 25, 2004



GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100